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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,350	07/11/2001	Eric Lawrence Barsness	ROC920010125US1	9578

7590 01/12/2005  
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,350	<b>Applicant(s)</b> BARSNESS ET AL.	
	<b>Examiner</b> Ngoc K. Vu	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 13, 24, and 31 are objected to because of the following informalities:

With respect to claim 13, it appears that the term “the on-screen program guide information” recited for the term “on-screen program guide formatting information” which previously is defined in claim 12. Appropriate correction is required.

Claim 24 is objected as being double recited of claim 23. Appropriate correction is required.

Claim 31 is objected as being double recited of claim 27. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-37 and 39-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al. (U.S. 6,813,775 B1).

Regarding **claim 1**, Finseth discloses a method of providing viewership information to a plurality of television viewers, comprising:

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collecting viewership data (viewing preference information) of a plurality of viewers (see col. 10, lines 13-15);

processing the viewership data to provide on-screen interface information (the viewing preference information can be processed to share with other viewers and to provide program guide content – see col. 11, lines 21-23; col. 12, lines 8-16); and

transmitting, to a plurality of end-use receivers (e.g., receivers 34, 64 – see figures 1 & 3), the on-screen interface information, wherein the on-screen interface information is viewable on displays (e.g., TV 66 – see figure 3) connected to the plurality of end-user receivers (transmitting the program guide to present it on TVs coupled to receivers - see col. 14, lines 20-27 and figures 1 & 3).

Regarding **claim 16**, Finseth discloses a signal processing unit (64) for processing television signals, comprising:

a first connector (70) for receiving a video signal transmitted from a remote provider (26) (see col. 7, lines 54-56 and figures 1 and 3);

a second connector (70) for receiving a viewership signal (viewing preference information) containing viewership data collected from a plurality of viewers (see col. 13, line 63 to col. 14, line 25; col. 14, lines 31-37 and figure 3);

a memory (78) containing an on-screen guide interface formatable with the viewership data (e.g., the program guide and viewing preference information are stored in the memory. The viewing preference information can be used to customize program guide – see col. 12, lines 14-16 – see col. 8, lines 14-16; col. 10, lines 13-15); and

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a processor (74) configured to format the on-screen guide interface with the viewship data (CPU 74 performs various operations for displaying a program guide, wherein the viewing preference information is used to customize program guide - see col. 8, lines 15-20; col. 11, lines 21-23).

Regarding **claim 25**, Finseth discloses an on-screen program guide information provider system (e.g., 26 – see figures 1-2), comprising:

a first network connection (e.g., Internet/telephone or satellite) with a plurality of devices (e.g., 34 or 64) configured to collect viewship data (viewing preference information) of a plurality of television viewers (see col. 12, lines 42-58; col. 13, lines 52-55 and figures 1 & 3);

a second network connection (e.g., satellite) with a plurality of end-user receivers (e.g., 34, 64) (see col. 12, lines 42-58; col. 13, lines 52-55 and figures 1 & 3); and

a processor (within 26) configured to:

processing the viewingship data to provide on-screen formatting information (the viewing preference information can be processed to share with other viewers, e.g., the sharing or group viewing preference information – see col. 11, lines 21-23; col. 12, lines 8-16); and

transmitting, via the second network connection (e.g., satellite), the on-screen guide formatting information (the sharing viewing preference information) to a plurality of end-use receivers (e.g., receivers 34, 64 – see figures 1 & 3 and col. 14, lines 20-27), wherein the on-screen guide formatting information is used by the end-user receivers (e.g., 34, 64) to output viewship indicators to displays (e.g., TV(s) 66 – see figure 3) connected to the plurality of end-user receivers (e.g., 34, 64 – see figures 1 & 3) (for

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example, a program guide can use group viewing preference information to display television programs that might be interesting to a group of people with which a user is acquainted or simply shares common interests. The sharing of viewing preference amongst individual users or groups of uses to share their television viewing experiences – see col. 14, lines 50-62 and figures 1 & 3).

Regarding **claim 39**, Finseth discloses an computer data signal (input signal from various signals such as television signals, video tape signals, original programming signals, and computer generated signals – see col. 3, lines 40-45), comprising on-screen program guide interface information (program guide information) containing viewership information (the sharing or group viewing preference information) of a plurality of television viewers, e.g., of a plurality of television viewers (for example, a program guide can use group viewing preference information to display television programs that might be interesting to a group of people with which a user is acquainted or simply shares common interests. The sharing of viewing preference amongst individual users or groups of uses to share their television viewing experiences - see col. 14, lines 20-27 and figure 3), wherein the on-screen interface information is readable by a plurality of receivers (e.g., 34, 64 – see figures 1 & 3) having a network connection (e.g., satellite – see figure 1) with a television program provider (e.g., provider 26 – see figure 1) and wherein viewership information is configured for formatting an on-screen program guide (for example, the sharing viewing preference information can be used to customize program guide – see col. 12, lines 14-16).

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Regarding **claims 2 and 26**, Finseth discloses providing an interest level of the plurality of viewers in a particular program currently airing (e.g., comment or notes from viewers regarding television programming – see col. 14, lines 55-58).

Regarding **claims 3, 27 and 31**, Finseth discloses providing a growth rate of viewers for a particular program (for example, a number of viewers such as a group of viewers interests on a particular program – see col. 14, lines 52-55).

Regarding **claims 4 and 34**, Finseth discloses that the viewership data is collected from at least some of the plurality of end-user receivers (e.g., 34, 64) (see col. 10, lines 64-66; col. 13, lines 49-66).

Regarding **claims 5 and 36**, Finseth discloses that the plurality of television viewers is at least a portion of the general television viewing public (e.g., a group of television viewers – see col. 12, lines 9-11).

Regarding **claims 6 and 42**, Finseth discloses providing historical viewership information and current viewership information (e.g., viewing history and the updated viewing preference information - see col. 10, lines 8-12 and col. 12, lines 10-13).

Regarding **claim 7**, Finseth discloses providing group information comprising group members of a predefined group (e.g., users share preference information with a designated member of the group – see col. 13, lines 58-62).

Regarding **claim 9**, Finseth discloses providing group information indicating a group rating (e.g., comments or notes from group viewing preference information) for a program (see col. 14, lines 50-62).

Regarding **claims 10, 37 and 44**, Finseth discloses that the receiver prompts the user(s) to identify himself/themselves, so that the receiver can update the viewing history information of the identified user(s) for a particular program being watched. The updated viewing history information then can be shared with selected recipient (see col. 10, lines 8-12 and line 64 to col. 11, line 20; col. 12, lines 19-41).

Regarding **claim 11**, Finseth discloses that in one embodiment, the provider may filter the sender's viewer preferences to generate a processed version of the viewer preferences. The provider may depersonalize the sender's viewer preferences by removing identifying information, e.g., user identification. These features include referencing a database containing group/sharing viewing preference (see col. 12, lines 57-63).

Regarding **claims 12 and 13**, Finseth discloses providing program guide formatting information comprising programming information for a plurality of television channels (see col. 14, lines 50-55).

Regarding **claims 14, 15, 46 and 47**, Finseth discloses a television program provider servicing the plurality of viewers over satellite (see col. 14, lines 20-27).

Regarding **claims 17**, Finseth discloses that the remote provider (e.g., 26) is satellite provider (see figure 1).

Regarding **claim 18**, Finseth discloses that the first connector and the second connector are a single common connector (e.g., tuner – see figure 3).

Regarding **claim 19**, Finseth discloses that the viewship signal is transmitted by the remote provider (see col. 14, lines 23-26).



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Regarding **claims 20, 28 and 40**, Finseth discloses that the viewership data comprises viewership behavior information (e.g., preference history) representing a behavior of viewers with respect to television programming (see col. 12, lines 19-41).

Regarding **claim 21**, Finseth discloses that the processor is configured to filter the viewership data (e.g., evaluates the received preference information – see col. 14, lines 43-49).

Regarding **claims 22-24**, Finseth discloses that the sharing viewing preference information can be used to customize program guide (see col. 12, lines 14-16), and a program guide can use group viewing preference information to display television programs that might be interesting to a group of people with which a user is acquainted or simply shares common interests. The sharing of viewing preference amongst individual users or groups of users to share their television viewing experiences (see col. 14, lines 50-62 and figures 1 & 3).

Regarding **claim 29**, Finseth discloses that the first network connection and the second network connection are a same network connection (e.g., satellite – see col. 12, lines 42-58).

Regarding **claim 30**, Finseth discloses that the plurality of devices and the plurality of end-user receivers are a same device (e.g., 34, 64 – see col. 13, lines 50-52; col. 14, lines 20-22 and figures 1 & 3).

Regarding **claim 32**, Finseth discloses that a television program transmission system (e.g., 26) configured to transmit television program signals to the end-user receivers (see figures 1-2; col. 5, lines 25-26 and col. 4, lines 39-55).

Regarding **claim 33**, Finseth discloses a source in communication with the processor (see col. 3, lines 40-45).

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Regarding **claim 35**, Finseth discloses each of the end-user receivers (34) is located separately (see figure 1).

Regarding **claim 41**, Finseth discloses that the viewership data comprises current viewership information (e.g., updated preference history) representing viewing behavior of viewers currently watching a television program (see col. 14, lines 30-41).

Regarding **claim 43**, Finseth discloses programming information for a plurality of television channels (see col. 12, lines 19-41).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (U.S. 6,813,775 B1) in view of Sitnik (US 20020010935 A1).

Regarding **claim 8, 38 and 45**, Finseth discloses transmitting the group viewing preference information (see col. 12, lines 61-65) but does not explicitly disclose information that indicates how many members of a group are watching a program. However, Sitnik discloses obtaining statistical information that indicates how many people are watching a television program. Particularly, with permission, real-time statistics, such as how many people in a town are watching channel 7 right now, may be gathered by a service provider or other (see page 3, 0024). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Finseth by obtaining information indicating how

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many viewers watching a television program as disclosed by Sitnik in order to collect real time statistics.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

January 4, 2005